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Sandeep Jaggi  
LSI Logic Corporation  
Intellectual Property Law Dept.  
1621 Barber Lane, M/S D-106  
Milpitas CA 95035

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**OCT 21 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Ivanovic et al. :  
Application No. 10/718,824 : **DECISION ON PETITION**  
Filed: November 21, 2003 :  
Attorney Docket No. 030928/2935P :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed May 11, 2009. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on August 12, 2009. A Notice of Abandonment was mailed on September 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue and publication fees of \$1810, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Pursuant to petitioner's request, deposit account no. 50-1491 will be charged the \$1510.00 issue fee.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for further processing. .



Charlema Grant  
Petitions Attorney  
Office of Petitions

Cc: William W. Cochran  
2026 Caribou Drive, Suite 201  
Fort Collins, CO 80525